

BOARD OF APPEALS CASE NO. 018

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BEFORE THE

APPLICANT: Harford County/Henry
and Lillian Sonberg

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ZONING HEARING EXAMINER

REQUEST: Rezone 1.29 acres from
R2 to B2; 1309 Abingdon Road

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/23/86 & 1/30/86

HEARING DATE: February 24, 1986

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Record: 1/22/86 & 1/29/86

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ZONING HEARING EXAMINER'S DECISION

Harford County, Maryland, has filed a petition to rezone the property known as 1309 Abingdon Road from R2 to B2. The property is presently owned by Henry and Lillian Sonberg.

According to the testimony submitted at the time of the hearing held on February 24, 1986, the property, during the 1982 Comprehensive Zoning, maintained its R2 designation. The property owner had been under the impression that the property was zoned B2 since a post office existed on the property. The zoning certificate issued in 1964 indicated that the property was zoned B2. The property owner was not notified that there would be any rezoning during the process. The Department of Planning and Zoning had intended to keep the property B2. According to the Staff Report issued by the Department of Planning and Zoning, dated February 12, 1986, the mistake occurred as follows:

"During the Comprehensive Zoning process, the post office was recognized; however, consideration was not given to changing the existing R2 zoning since federal buildings are exempt from zoning regulations. In addition, the Department was unaware of the anticipated relocation of the post office, whereby the structure located on the subject property would be prohibited from being used commercially. The fact that the building permit, issued in 1964, designated the parcel as being a B2 zoning was not known to the Department.


The Department of Planning and Zoning requests a reclassification from R2 to B2, pursuant to Section 25-3.6(c) of the Zoning Code:

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"Harford County failed to notify the property owner where a use legally in existence, or a permitted use, on the property was limited as a result of the Comprehensive Rezoning. In such event, the Board of Appeals may grant a reclassification of the property to a zoning classification most consistent with the prior legal use or a prior permitted use."

Accordingly, the Hearing Examiner recommends that the petition for zoning reclassification be granted, and that the property known as 1309 Abingdon Road be zoned B2.

Date March 19, 1986


Gregory A. Rapisarda
Zoning Hearing Examiner